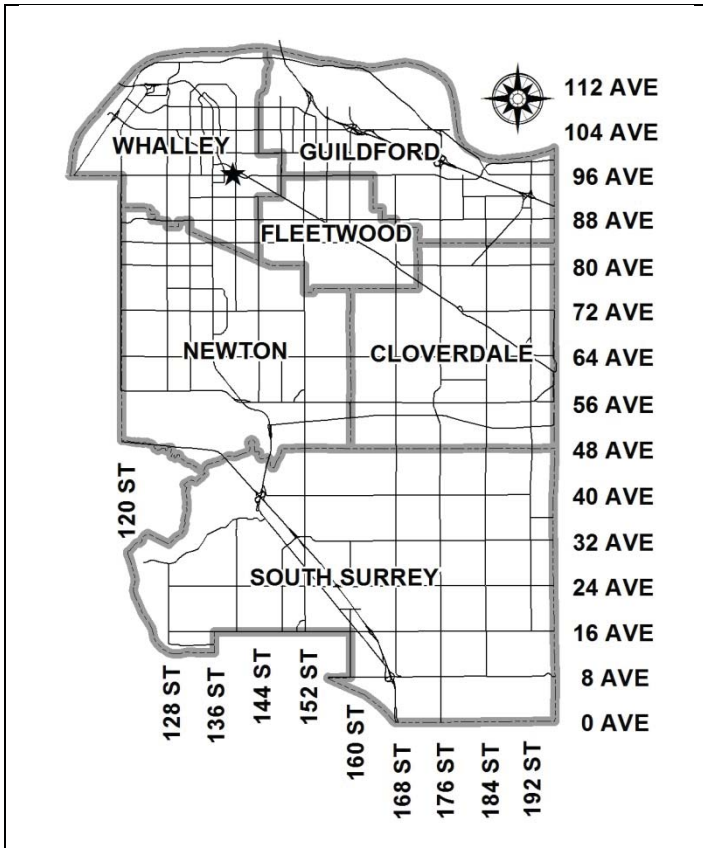


City of Surrey  
**PLANNING & DEVELOPMENT REPORT**

File: 7916-0377-00

Planning Report Date: February 6, 2017



**PROPOSAL:**

- **Terminate Land Use Contract No. 429**

to permit the existing underlying RF-G Zone to come into effect.

**LOCATION:**

Generally between 96 Avenue and Laurel Drive at 139 Street

**LUC AND UNDERLYING ZONING:**

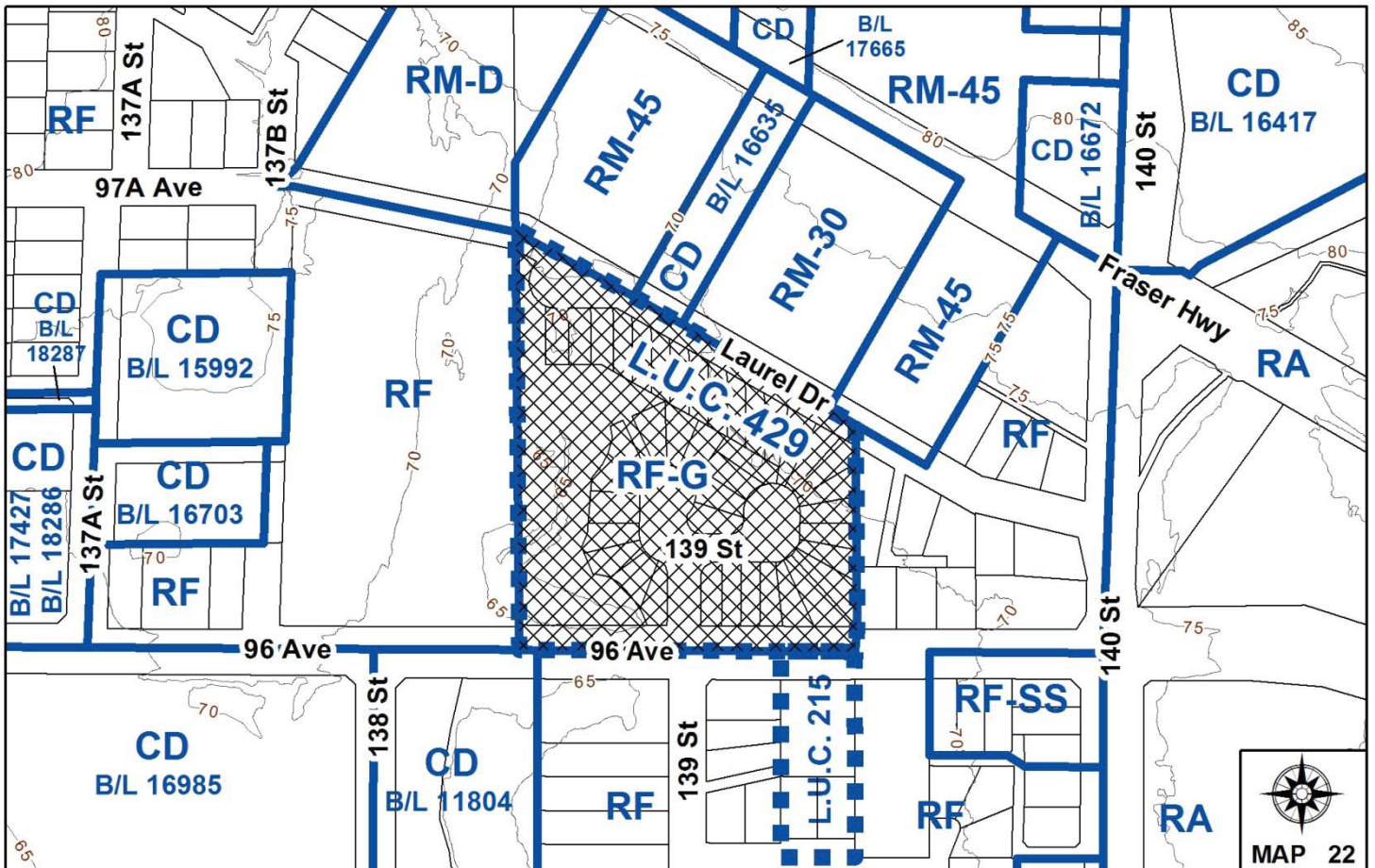
LUC No. 429  
 (RF-G Zone underlying)

**OCPC DESIGNATION:**

Multiple Residential

**CCP DESIGNATION:**

Residential Low to Mid Rise up to 2.5 FAR and Creek Buffer in the City Centre Plan



### RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing to terminate LUC No. 429.

### DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None

### RATIONALE OF RECOMMENDATION

- In 2014, the Provincial Government adopted changes to the *Local Government Act* that terminate all Land Use Contracts (LUCs) in the Province on June 30, 2024. However, the legislation also permits municipalities to undertake early termination of LUCs in advance of 2024.
- On June 15, 2015, City Council endorsed the recommendations in Corporate Report No. R122, which outlined a process with respect to the early termination of LUCs in Surrey.
- LUC No. 429 was adopted by Authorization By-law, 1978, No. 5436 on May 29, 1978.
- LUC No. 429 permits residential compact housing and customary accessory uses on 40 single family lots, as well as one (1) City-owned park (public open space).
- In accordance with the legislation, the LUC Termination By-law must include an effective date that is no less than one year from adoption of the by-law, resulting in a grace period.
- Once LUC No. 429 is terminated and the one-year grace period ends, the current underlying "Single Family Residential Gross Density Zone (RF-G)" will automatically come into effect and will regulate the 40 compact single family lots and one (1) City-owned park.
- The City-owned park lot on the western portion, which includes Quibble Creek, is currently regulated by LUC No. 429 and will remain as City park.
- The "Single Family Residential Gross Density Zone (RF-G)" permits a single family dwelling, including one (1) secondary suite, on small urban lots with substantial public open space set aside within the subdivision.
- If the land owner feels that the termination of the LUC will cause undue hardship, the property owner has the right to appeal to the City's Board of Variance (BOV). The application to the BOV must be received by the BOV within 6 months after the LUC Termination By-law has been adopted by City Council.

## RECOMMENDATION

The Planning & Development Department recommends that a By-law be introduced to terminate Land Use Contract No. 429 and a date be set for Public Hearing.

## BACKGROUND

- In the early 1970s the Provincial Government adopted changes to the *Municipal Act* (now called the *Local Government Act*) that allowed local governments to enter into Land Use Contracts (LUCs) with land owners and/or developers that incorporated zoning, development control and servicing issues into one document. As a result, on lands within an LUC, the LUC became the governing land use control and, in some instances, the subdivision and development control as well.
- Although LUCs are an agreement between the City and land owners/and developers, all LUCs were adopted by By-law. The first LUC in Surrey was adopted by City Council by By-law on August 7, 1972.
- In the late 1970s the Provincial Government adopted changes to the *Municipal Act* (now called the *Local Government Act*), eliminating the ability of municipalities to enter into LUCs.
- Approximately 370 LUCs were adopted in Surrey, most of which remain in effect.
- In 2014, the Provincial Government adopted changes to the *Local Government Act* that terminate all Land Use Contracts (LUCs) in the Province on June 30, 2024. However, the legislation also permits municipalities to undertake early termination of LUCs in advance of 2024, should they choose to do so.
- On June 15, 2015, Council approved the recommendations in Corporate Report No. R122, which outlined a proposed process with respect to the early termination of LUCs in Surrey. Over half of the LUCs in Surrey have now been presented to Council for early termination.
- As a result, City staff are moving forward with the termination of LUC No. 429 in accordance with the approved process.

## PUBLIC NOTIFICATION

Early termination of LUCs is a Council-initiated project that does not require the consent of landowners within the LUC being terminated. A Development Proposal Sign has not been installed and no pre-notification letters have been mailed.

However, the LUC Termination By-law is required to have its own Public Hearing. As a result, the Public Hearing Notice will be delivered to all owners and tenants of properties within LUC No. 429, informing them that Council is considering terminating the LUC. In addition, the Public Hearing notice will be published in two consecutive issues of the Surrey Now.

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling on compact lots and one (1) City-owned park with Quibble Creek.

Adjacent Area:

<b>Direction</b>	<b>Existing Use</b>	<b>OCP/ City Centre Plan Designation</b>	<b>Existing Zone</b>
North (Across Laurel Drive):	Townhouses and 4-storey apartment building	Multiple Residential in the OCP; Residential Low to Mid Rise up to 2.5 FAR in the City Centre Plan	RM-30, RM-45 and CD (By-law No. 16635)
East:	Single family dwellings	Multiple Residential in the OCP; Residential Low to Mid Rise up to 2.5 FAR in the City Centre Plan	RF
South (Across 96 Avenue):	Single family dwellings and City-owned land	Urban in the OCP	RF and LUC No. 215 (RF Zone underlying)
West (Across Quibble Creek):	Surface parking lot and BC Hydro transmission corridor	Multiple Residential in the OCP; Park in the City Centre Plan	RF

DISCUSSION

- LUC No. 429 was adopted by Authorization By-law, 1978, No. 5436 on May 29, 1978.
- LUC No. 429 currently regulates 40 compact single family lots and one (1) City-owned park lot designated as public open space. The subject area is located in City Centre, between 96 Avenue and Laurel Drive at 139 Street.
- The subject area is designated Multiple Residential in the Official Community Plan (OCP) with an underlying "Single Family Residential Gross Density Zone (RF-G)" under Surrey Zoning By-law, 1993, No. 12000, as amended.
- The subject site is also designated Residential Low to Mid Rise up to 2.5 FAR within the City Centre Land Use Plan approved by Council on January 16, 2017.

- LUC No. 429 permits residential single family and customary accessory uses only, as well as one (1) City-owned park (public open space).
- LUC No. 429 permitted the original site to be subdivided into a maximum of 40 compact single family lots and one (1) lot that was to be transferred to the City for parks purposes. The subject area was subdivided into 40 compact single family lots and one (1) City-owned park lot under Subdivision Plan No. 57352 on July 12, 1979.
- In accordance with the legislation, the LUC Termination By-law must include an effective date that is no less than one year from adoption of the by-law, resulting in a grace period. The subject Termination By-law has a one-year grace period.
- Once LUC No. 429 is terminated and the one-year grace period ends, the current underlying "Single Family Residential Gross Density Zone (RF-G)" will come into effect and will regulate the 40 compact single family lots and one (1) City-owned park (public open space).
- The City-owned park lot (public open space) currently regulated by LUC No. 429 will remain as a City-owned park, to protect Quibble Creek.
- The "Single Family Residential Gross Density Zone (RF-G)" permits a single family dwelling, including one (1) secondary suite, on small urban lots with substantial open space set aside within the subdivision.
- If the land owner feels that the termination of the LUC will cause undue hardship, the property owner has the right to appeal to the City's Board of Variance (BOV). The application to the BOV must be received by the BOV within 6 months after the LUC Termination By-law has been adopted by City Council.

#### INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Copy of Part 17 "Single Family Residential Gross Density Zone (RF-G)" of Surrey Zoning By-law, 1993, No. 12000, as amended

#### INFORMATION AVAILABLE ON FILE

- Land Use Contract No. 429.

*original signed by Judith Robertson*

Jean Lamontagne  
General Manager  
Planning and Development



# Single Family Residential Gross Density Zone

Part 17 - RF-G, Single Family Residential Gross Density Zone

## Part 17

## RF-G

### A. Intent

**Amendments: 17471, 10/03/11**

This Zone is intended for single family housing on small urban *lots*, with substantial public *open space* set aside within the subdivision. This Zone shall only be considered if there are special amenities such as mature vegetation, watercourses, ravines or other landscape or heritage features worthy of preservation or the *lot* can contribute *open space* to a park designated in the *Official Community Plan*.

### B. Permitted Uses

**Amendments: 13155, 02/09/98; 17290, 12/13/10; 17471, 10/03/11**

Land and *structures* shall be used for the following uses only, or for a combination of such uses:

1. One *single family dwelling* which may contain 1 *secondary suite*.
2. The following uses are permitted within the *open space* set aside pursuant to Section D.2 of this Zone, provided that these uses do not infringe upon the quality of the features being preserved and are for the enjoyment of the residents within the subdivision and do not constitute a commercial undertaking:
  - (a) Tennis court, swimming pool, play ground, fitness trail, baseball diamond, picnic area, putting green and pitch and putt course provided that the enclosed or covered portion of the said facility does not exceed 5% of the total *open space* set aside; and
  - (b) Equestrian facilities, both open and covered, provided however, that the enclosed or covered portion of this facility does not exceed 10% of the total *open space* set aside.

**C. Lot Area**

**Amendments: 17471, 10/03/11**

The minimum *site area for subdivision* shall be 1 hectare [2.5 acres], except in the case of a remainder *lot*, where the *lots* including the remainder *lot* which were created by the same plan of subdivision are zoned RF-G.

**D. Density**

**Amendments: 12101, 07/11/94; 13093, 05/12/97; 13155, 02/09/98; 14519, 10/15/01; 14651, 03/25/02; 17471, 10/03/11; 17797, 11/26/12; 18414, 03/23/15**

1. For the purpose of subdivision:
  - (a) In Neighbourhood Concept Plan and Infill Areas as described and outlined on the maps attached as Schedule F attached to this By-law, the maximum *density* shall not exceed 2.5 *dwelling units* per hectare [1 u.p.a.]. The *density* may be increased to 14.75 *dwelling units* per hectare [6 u.p.a.], calculated on the basis of the entire *lot*, if amenities are provided in accordance with Schedule G of this By-law.
  - (b) In areas other than the ones in Sub-section D.1(a) of this Zone, the maximum *density* shall not exceed 14.75 *dwelling units* per hectare [6 u.p.a.], calculated on the basis of the entire *lot*.
2. The maximum *density* of development may be increased from 14.75 *dwelling units* per hectare [6 u.p.a.] to 18.5 *dwelling units* per hectare [7.5 u.p.a.], both calculated on the basis of the entire *lot*, provided:
  - (a) *Open space* in an amount of not less than 15% of the *lot* area is preserved in its natural state or retained for park and recreational purposes;
  - (b) The said *open space* shall contain natural features such as a stream, ravine, stands of mature trees, or other land forms worthy of preservation, and/or contain heritage *buildings* or features, and/or contribute to a park designated in the *Official Community Plan*; and
  - (c) The said *open space* shall be accessible by the public from a *highway*
3. *Undevelopable areas* may be included in *open space* set aside in Sub-section D.2(b), however, this undevelopable area shall be discounted by 50%.
4. (a) For the purpose of this Section and notwithstanding the definition of *floor area ratio* in Part 1 Definitions of this By-law, all covered areas used for parking shall be included in the calculation of *floor area ratio* unless the covered parking is located within the *basement*;

- (b) For *building* construction within a *lot*, the *floor area ratio* shall not exceed 0.55, provided that, of the resulting allowable floor area, 28 square metres [300 sq. ft.] shall be reserved for use only as a garage or carport and further provided that where an *accessory building* is greater than 5 square metres [50 sq. ft.] in size that the area in excess of 5 square metres [50 sq. ft.] shall be included as part of the floor area for the purposes of calculating *floor area ratio*; and
- (c) The maximum permitted floor area of a second storey for a *principal building* shall not exceed 80% of the floor area of the first storey including attached garage, but not including any portion of the *structure* located within 7.5 metres [25 sq. ft.] of the *front lot line*. The reduced floor area of the second storey shall be accomplished by a *setback* at the second storey level from the wall at the main floor level from either the front or side walls at the main floor level or a combination thereof; and
- (d) notwithstanding the above, the maximum allowable floor area shall be 260 square metres [2,800 sq.ft.].

**E. Lot Coverage**

The maximum *lot coverage* shall be 45%.



## F. Yards and Setbacks

Amendments: 12101, 07/11/94; 13093, 05/12/97; 17704, 07/23/12; 18414, 03/23/15

*Buildings and structures* shall be sited in accordance with the following minimum *setbacks*:

<i>Use</i>	<i>Setback</i>	<i>Front Yard*</i>	<i>Rear Yard***</i>	<i>Side Yard</i>	<i>Side Yard on Flanking Street</i>
<i>Principal Building</i>		7.5 m. [25 ft.]	7.5 m. [25 ft.]	1.2 m. [4 ft.]	3.6 m. [12 ft.]
<i>Accessory Buildings and Structures Greater Than 10 square metres [108 sq.ft.] in Size</i>		18.0 m. [60 ft.]	1.8 m [6 ft.]	1.0 m [3 ft.]	7.5 m [25 ft.]
<i>Other Accessory Buildings and Structures</i>		18.0 m [60 ft.]	0.0 m	0.0 m.	7.5 m. [25 ft.]
<i>Buildings and Structures For Uses Permitted Under Section B.2 of This Zone</i>		7.5 m. [25 ft.]	30.0 m. [100 ft.]	15.0 m. [50 ft.]	7.5 m. [25 ft.]

Measurements to be determined as per Part 1 Definitions, of this By-law.

- \* The *front yard setback* may be relaxed at a lower floor level only to 5.5 metres [18 ft.] for a maximum of 50% of the length of the front of the dwelling for all portions of the dwelling excluding the garage. If 50% of the *building* face is *setback* 9 metres [30 ft.] from the *front lot line*, the *setback* to an attached garage whose main access doors face the fronting street may be relaxed to 6.7 metres [22 ft.], except that the *setbacks* for a garage whose main access doors face a *side yard* may be relaxed to 4.5 metres [15 ft.].

With the exception of a garage whose main access doors face a *side yard*, the minimum *front yard setback* of a garage or a carport which forms part of a *principal building* may be reduced to 5.5 metres [18 ft.], as long as at least 50% of the *front yard setback* of the *principal building* remains 7.5 metres [25 ft.] or more.

\*\*\* 50% of the length of the rear *building* face may be *setback* a distance of 6.0 metres [20 ft.] from the *rear lot line* provided the remainder of the *building* face is *setback* at least 8.5 metres [28 ft.] from the *rear lot line*.

## G. Height of Buildings

**Amendments: 12239, 04/18/94; 12101, 07/11/94; 18414, 03/23/15**

Measurements to be determined as per Part 1 Definitions, of this By-law:

1. *Principal building*:
  - (a) The *building height* shall not exceed 9 metres [30 feet].
  - (b) The *building height* of any portion of a *principal building* with a roof slope of less than 1:4 shall not exceed 7.3 metres [24 ft.].
2. *Accessory buildings and structures*: The *height* shall not exceed 4 metres [13 ft.] except that where the roof slope and construction materials of an *accessory building* are the same as that of the *principal building*, the *building height* of the *accessory building* may be increased to 5 metres [16.5 ft.]

## H. Off-Street Parking and Loading/Unloading

**Amendments: 12333, 07/25/94; 13093, 05/12/97; 13774, 07/26/99; 14120, 10/16/00; 18719, 05/30/16**

1. Resident and visitor *parking spaces* shall be provided as stated in Table C.1 of Part 5 Off-Street Parking and Loading/Unloading of this By-law.
2. Outside parking or storage of *campers*, boats and *vehicles* including cars, trucks and *house trailers* ancillary to a residential use shall be limited as follows:
  - (a) A maximum of 2 cars or trucks;
  - (b) *House trailer, camper* or boat, provided that the combined total shall not exceed 1; and
  - (c) The total amount permitted under (a) and (b) shall not exceed 2.
3. *Vehicle* parking may be permitted in either the *front yard* or *side yard* subject to the following:

- (a) No off-street *parking space* shall be permitted within the required *front yard* or *side yard setback* except on a *driveway*. *Driveways* may be constructed off either the *frontage* or *flanking street*;
  - (b) *Parking spaces* shall be located only on a *driveway* leading to a garage, carport or parking pad, in a garage, in a car port, or on a parking pad; and
  - (c) The total area surfaced or paved for a *driveway* shall be as follows:
    - i. Every *lot* may have one *driveway* with a uniform width of 6 metres [20 ft.] extending from the *lot line* to the garage, car port, or parking pad on the *lot*;
    - ii. The *driveway* width may be expanded provided that the total area of the *driveway* within the *front yard* or required *side yard* does not exceed 33% of the total area of the *front yard* or required *side yard* within which the *driveway* is located; and
    - iii. Notwithstanding 3.(c) (ii) additional *driveway* width may also be allowed to provide access to additional *parking spaces* in a garage, carport or parking pad, where the garage, carport or parking pad has more than 2 side by side *parking spaces*, provided that such width is no more than 3 metres [10 ft.] times the number of adjacent side by side *parking spaces* measured at the required *front yard set back* and is uniformly tapered over the required *front yard* to a width of 6 m [20 ft.] at the *front lot line*.
    - iv. Where the *driveway* is constructed in a *side yard* off a *flanking street* all references to *front yard* within this Section shall be read as *side yard*; and
  - (d) The number of vehicles parked in a *driveway* within the *front yard* or *side yard* shall not exceed two.
4. No outside parking or storage of a *house trailer* or boat is permitted within the *front yard setback*, or within the required *side yards* or within 1 metre [3 ft.] of the *side lot line*, except as follows:
- (a) On *lots* which have no vehicular access to the *rear yard* or where access is not feasible through modification of *landscaping* or fencing or both, either 1 *house trailer* or 1 boat may be parked in the front *driveway* or to the side of the front *driveway* or in the *side yard*, but no closer than 1 metre [3 ft.] to a *side lot line* nor within 1 metre [3 ft.] of the *front lot line* subject to the residential parking requirements stated in Table C.1 of Part 5 Off-Street Parking and Loading/Unloading of this By-law;

- (b) Notwithstanding Sub-section H.4(a), no outside parking or storage of a *house trailer* or boat is permitted on *corner lots* in an area bounded by the intersecting *lot lines* at a street corner and a straight line joining points 9 metres [30 ft.] along the said *lot lines* from the point of intersection of the two *lot lines*; and
- (c) Adequate screening, as described in Section I.2 of this Zone is provided.

## I. Landscaping

**Amendments: 12333, 07/25/94; 13155, 02/09/98**

1. All developed portions of the *lot* not covered by *buildings, structures* or paved areas shall be landscaped including the retention of mature trees. This *landscaping* shall be maintained.
2. The parking or storage of *house trailers* or boats shall be adequately screened by compact evergreen trees or shrubs at least 1.8 metres [6 ft.] in height and located between the said *house trailer* or boat and any point on the *lot line* within 7.5 metres [25 ft.] of the said *house trailer* or boat, in order to obscure the view from the abutting *lot* or street, except:
  - (a) on a *corner lot*, this required landscape screening shall not be located in an area bounded by the intersecting *lot lines* at a street corner and a straight line joining points 9 metres [30 ft.] along the said *lot lines* from the point of intersection of the 2 *lot lines*;
  - (b) where the *driveway* or the parking area is used for parking or storage of a *house trailer* or boat, the landscape screen is not required within the said *driveway*; and
  - (c) in the case of *rear yards*, this screening requirement may be provided by a 1.8 metre [6 ft.] high solid fence.
3. The *open space* set aside pursuant to Section D.2.(a) of this Zone, shall be improved with a basic level of *landscaping* work including brushing and seeding of the ground, limbing of low branches on trees and providing and constructing paths for public passage, wherever appropriate.

## J. Special Regulations

**Amendments: 17290, 12/13/10**

1. A *secondary suite* shall:
  - (a) Not exceed 90 square metres [968 sq.ft.] in floor area; and

- (b) Occupy less than 40% of the habitable floor area of the *building*.

## K. Subdivision

**Amendments: 13093, 05/12/97; 13155, 02/09/98; 17797, 11/26/12**

1. *Lots* created through subdivision shall meet the dimensional requirements of the RF Zone.
2. *Lots* created through subdivision in accordance with Section D.2 of this Zone, shall conform to the following minimum standards:

	<i>Lot Size</i>	<i>Lot Width</i>	<i>Lot Depth</i>
Regular Standard <i>Lots</i>	370 sq. m. [4,000 sq.ft.]	12.0 metres [40 ft.]	28 metres [90 ft.]
Permissible Reduction as set out below*	325 sq. m. [3,500 sq.ft.]	10.5 metres [35 ft.]	28 metres [90 ft.]

Dimensions shall be measured in accordance with Section E.21, Part 4 General Provisions, of this By-law.

- \* Permissible reduction for up to 50% of the *lots* within a plan of subdivision where 15% or more of the lands subdivided are set aside as *open space* pursuant to Section D.2(b) of this Zone.

## L. Other Regulations

**Amendments: 13657, 03/22/99; 13774, 07/26/99**

In addition, land use regulations including the following are applicable:

1. Prior to any use, lands must be serviced as set out in Part 2 Uses Limited, of this By-law and in accordance with the "Surrey Subdivision and Development By-law".
2. General provisions on use are as set out in Part 4 General Provisions, of this By-law.
3. Additional off-street parking and loading/unloading requirements are as set out in Part 5 Off-Street Parking and Loading/Unloading of this By-law.

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4. Subdivisions shall be subject to the "Surrey Development Cost Charge By-law" and the "Tree Preservation By-law".
  5. *Building* permits shall be subject to the "Surrey Building By-law".
  6. Sign regulations are as provided in Surrey Sign By-law No. 13656.
  7. Special *building setbacks* are as set out in Part 7 Special Building Setbacks, of this By-law.

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